

REMARKS

In the Office Action dated 26 January 2004, the Examiner finally rejected claims 52-73, 75, and 76, i.e., all of the pending claims, as anticipated by US Patent 6,289,165 ("Abecassis"). The present amendment makes a non-narrowing, cosmetic change to claim 63 to improve ease of reading. The undersigned respectfully requests reconsideration in light of the following comments.

All of the Examiner's rejections are based on Abecassis. However, the references to Abecassis in the body of the Office Action appear to refer to another patent entirely. As such, it is difficult to meaningfully respond to the present Office Action. The undersigned has called the Examiner twice requesting clarification. Although we traded voice messages, the undersigned still fails to understand how the Examiner is applying Abecassis or what portions of Abecassis are believed to be relevant. If the Examiner elects to maintain the current rejection in the next Office Action, the undersigned would appreciate clarification of the following:

Claims 52-62:

- The Examiner refers to Figures 1A-C as teaching "receiving rating input comprising a selection of one of a plurality of rating choices." Abecassis has a Figure 1, but no Figures 1A, 1B, or 1C.
- The Examiner points to Figure 1, step 103 as teaching "reviewing an audiovisual work on a first storage medium. Figure 1 shows a fixed storage 103, but not a step of reviewing an audiovisual work on the fixed storage.
- The Examiner relies on column 5, lines 1-12 as showing determining "if the first storage medium includes a rated version of the audiovisual work which bears a predetermined relationship to the rating input." The undersigned does not understand how the Examiner finds this teaching in the cited this passage, which reads:

nonlinear architecture facilitating a variety of possible logical sequences of segments. A video herein comprises a video map and video/audio/subpicture information including parallel, transitional, and overlapping segments to provide viewing of a program's story-line/interactive action at different levels of forms of

expression, levels of detail, and, for example, length, with a greater seamless continuity among non-sequential segments. Additionally a video may include a user interface, software program routines, and system control codes for controlling the playing of the video. The term "segment" refers to a part of the video whether one or a plurality of frames.

- Column 5, lines 13-17 are cited as explaining that "if the first storage medium includes the rated version, playing the first version, and if the first storage medium does not include the rated version, accessing a database stored on a second storage medium (presumably removable storage 104 in Figure 1). This passage does not suggest any such determination; it instead mentions that one video segment may normally exclude playing of another segment:

The terms "non-sequential" and "nonlinear" are intended in the sense that the video includes within a segment (e.g. an "R" rated segment) presenting a scene in a manner which would normally exclude the playing of another segment (e.g. a "PG" rated segment) with a different presentation (e.g. version) for the same scene.

- The Examiner finds a "database containing, for each of the plurality of ratings choices, a secondary database comprising information identifying at least a portion of a scene of the work having an assigned content ratings level which bears a predetermined relationship to the ratings choices" in the following passage (column 5, lines 22-28):

The term "seamless" is intended in the sense that the transmission of sequential and non-sequential frames is indiscernible to the eye, and not in the sense of the natural video seams that result in the intended changes from one scene to another, from one camera angle to the other, or from one gaming sequence to the other.

There is no mention of a database in this passage, much less a description of the database described by the Examiner.

- Finally, the Examiner claims that column 9, lines 29-37 teach "reproducing scenes of the work in accordance with the information in the secondary database corresponding to the rating input." This passage teaches no such thing, but

instead suggests they types of lines over which communications may be delivered:

For example, and not limitation, while fiber optic-based communications are preferred, copper phone lines and coaxial cable-based communications are considered, albeit less capable, nonetheless, functional equivalents. Additionally, a certain degree of redundancy of components is illustrated in FIG. 1 to schematically show and detail significant functions.

The cited passages neither teach that which the Examiner contends nor, alone or in combination, teach the presently claimed invention. The undersigned considered the possibility that the Examiner had mistakenly identified another one of the patents of record issued to Abecassis, i.e., US Patents 5,434,678; 5,589,945; 5,634,849; 5,664,046; 5,696,869; 5,717,814; 5,724,472; 5,913,013; 6,208,805; and 6,304,715. After reviewing the cited figures and drawings in these patents, none of them bear any more relevance to claim 52 than the Abecassis patent identified in the Office Action and quoted above.

Consequently, the undersigned requests that the Examiner either withdraw the current rejection or clarify how Abecassis anticipates claim 52. In the absence of such a showing, the undersigned respectfully submits that claim 52 and dependent claims 53-62 are allowable over Abecassis.

Claims 63-72

- The Examiner points to Figure 2, which merely shows a remote control, as teaching "providing to the playback apparatus an audiovisual work prerecorded by a source on a first storage medium" and "reproducing scenes of the work with playback apparatus, the controller using the information in the downloaded secondary database to control reproduction of the work." An image of a remote control neither teaches nor suggests these aspects of claim 63.
- In support of the contention that Abecassis teaches every feature of the second clause of claim 63, the Examiner points to Figure 4, column 9, lines 29 and 37, and column 12, lines 31-46. Figure 4 shows what Abecassis calls "a diagram of a video and communications network." Column 9, lines 29-37, quoted above,

simply mention the types of communication lines (e.g., fiber optic or cable lines) that may be used in the network. The identified passage of column 12 states:

A video provider system, for example 411, comprises: i) communications technologies 421 for establishing a plurality of video and communications streams to a plurality of Multimedia Players 431-436; ii) processing hardware and software 422 for retrieving from a Multimedia Player an end user's video preferences and content preferences, and for automatically selecting, for each of the participating end users, a variable content video responsive to the video and content preferences; iii) mass storage random access memory devices 423 for storing a video database ("videobase") comprising a plurality of any combination of conventional programs and interactive games and services, and variable content videos; and iv) processing hardware and software 424 for maintaining accounting and support services in connection with video services provided.

The second clause of claim 63 calls for, among other things, establishing a connection to a database that contains, for each of a plurality of ratings choices, a secondary database comprising information identifying a relationship between at least a portion of a scene of the work and the ratings choice. Each ratings choice has a content ratings level assigned by a screener who is a party other than the source. Although the Examiner identifies aspects of Abecassis that suggest using a network, nothing in these passages suggests such a process.

- The Examiner points again to column 9, lines 38-43, as disclosing "receiving ratings input specifying a ratings choice." This passage, however, discusses types communications lines and never mentions receiving such ratings input.
- Figure 4 includes reference numbers 411-413, which Abecassis refers to as a video services provider (column 12, lines 66-67). The paragraph bridging columns 12 and 13 states that the download path of a video program can be varied. The Examiner combines these as teaching "downloading the database into the controller." First, the undersigned is unsure to what "database" in Abecassis the Examiner refers. Second, the Examiner's characterization of Abecassis overlooks the language of claim 63, which specifically calls for downloading "the secondary database associated with the ratings choice specified in the ratings input," not just any database.

Hence, claim 63 is distinguishable from the cited aspects of Abecassis. The current rejection of claim 63 as anticipated by Abecassis must fall.

Claim 63 is also patentably unobvious over Abecassis. Abecassis seems to consistently refer to using a single, monolithic segment map and requiring the Multimedia Player to determine an appropriate video sequence using the segment map. This requires the Multimedia Player to carry out a series of independent comparisons of up to 4 different content codes for each portion of a scene, requiring detailed programming and burdening the system's processing capacity. In contrast, claim 63 calls for a database that includes ratings level-specific secondary databases, which already correspond to specific ratings choices. In the present Office Action, the Examiner points to Figure 1 and column 7, line 28 – column 8, line 37 as teaching a multi-level database. Figure 1 is a schematic diagram of Abecassis's multimedia player and the identified description merely outlines the structural components of this system. The Examiner also contends that "the programming preferences" in Abecassis are the claimed secondary database, but does not explain what aspect of Abecassis provides the database of claim 63 that contains the second database(s). The undersigned also fails to understand how these programming preferences, as such, identify a relationship between at least a portion of a scene of the work and a particular ratings choice.

Claim 63 also specifies that the content ratings level be assigned by a screener who is a party other than the source of the work to be reproduced. As explained at some length in prior prosecution, Abecassis consistently assumes that the source of the movie, game, or other program will be the one creating the segment map.

For these and other reasons, claim 63 is distinguishable from and unobvious over Abecassis. Claims 64-72 depend from claim 63 and are patentable at least by virtue of their dependence on an allowable base claim.

V. Claims 73, 75, and 76 Are Patentable Over Abecassis

Claim 73 calls for an apparatus for controlling reproduction of a work that includes, *inter alia*, a ratings input adapted to receive a) information assigning an assigned content ratings level to a portion of the work, and b) a playback content ratings level input by the viewer. In contending that Abecassis teaches a ratings input that can

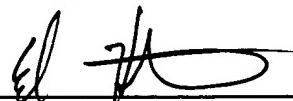
accomplish both of these functions, the Examiner simply points to icons 203 displayed on a remote control 200. This collection of icons fails to even hint at, much less teach, a ratings input that can receive both of these disparate types of information. The undersigned sees nothing anywhere in Abecassis disclosing a system with such a multi-functional ratings input. Abecassis allows the user to define certain preferences, but the rather complex system map is either distributed on the DVD itself or, if it wasn't included in the DVD at the time it was made, retrieved at a later date. (See, e.g., column 27, line 66 - column 28 line 3.) Since the segment map is pre-defined, the user cannot assign a content ratings level to a portion of the work and claim 73 is distinguishable from Abecassis.

Nothing in Abecassis would lead one of ordinary skill in the art to produce such a ratings input, either. As a matter of fact, adding both functions to the ratings input as called for in claim 73 contradicts the basis top-down approach of Abecassis's system. In the absence of a specific motivation to contradict Abecassis's rather detailed explanation of the Multimedia Player, the undersigned respectfully submits that claim 73 is patentable over Abecassis. Claims 75 and 76 depend from patentable claim 72 and are believed to be allowable at least on that basis.

VI. Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. The present amendment places the application in condition for allowance, so the undersigned submits that entry of this amendment is appropriate despite the finality of the outstanding Office Action and respectfully requests a prompt Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the undersigned encourages the Examiner to call him at (206) 359-3848.

Respectfully submitted,
Perkins Coie LLP



Edward S. Hotchkiss
Registration No. 33,904

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Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000